

November 7, 2023

To The Honorable Judge Timothy Burgess,

I respectfully ask you to consider the information below while you decide on the fate of Marian Beck. I have known her for 67 years. She is my sister. I have lived in Halibut Cove for 67 years and, apart from the 15 years I spent in college and residencies out of State, I have called Halibut Cove my home. I am a physician boarded in both Emergency Medicine and Family Medicine. I was in Halibut Cove the day of the plane event. It is an undisputed fact that Marian circled a seaplane, using a fast twin engine diesel aluminum boat while the plane was taxiing down the Narrows at 10 AM. That is on video. Even without the video it's a fact. What isn't clear on the video is that her circling the airplane comes on the heels of years of community incidents precipitating hours of meetings and negotiations to address the unsafe taxiing of airplanes through the Narrows particularly during scheduled ferry departures. That event, her circling the plane, occurred at 10 AM. The Cove had agreed 9:45 AM – 10:15 AM the Narrows would be closed to planes and the ferry would be given broad birth to depart. The Mail Boat, the Stormbird departs before the Danny J. The Danny J stands by while the Stormbird departs since the Danny J is slower and this allows for added safety. In the video you see the airplane wedge in between the Stormbird and the Danny J, again at 10 AM, in clear violation of the community agreement. Marian had no intention of harming anyone. It was a gesture of frustration and fear. No one was hurt, except Marian.

Since the aircraft incident Marian has developed a progressive neurologic condition. It is a variant of Parkinsons. She now needs assistance to walk. Though able to walk on flat surfaces for short distances (example: from one room to another in a single floor house) it is impossible for her to navigate uneven surfaces or hills without assistance. She has not driven a car for over 3 years. She has cognitive and gait disturbances. She has developed a seizure disorder for which anti-seizure medicine is helping though she had a seizure resulting in broken ribs this summer after missing only two doses of her seizure medications. She was started on medication to slow cognitive decline a year ago. Her neurologic condition has resulted in bowel dysmotility issues. She had two bowel surgeries in 2023, the last of which required a 5 hour procedure (late spring 2023). Her initial neurologic issue occurred when she suffered a significant head injury while horse back riding in 2019. Many of her symptoms, impulsivity at the time of this plane incident and the development of a seizure disorder in the Fall of 2022, are most consistent with the head injury. The mobility issues, tremor, cognitive decline and generalized weakness and bowel dysfunction are consistent with Parkinson's which began showing up in early 2022. Marian is never going to jump in a boat or car again. Without assistance, it's hard to even get her into or out of a boat. She is a nonviolent person. She is not an angry person. She poses no future risk to anyone. The community is in no way endangered by her. The community overwhelmingly sees her as a hero for many reasons that span the many years they have cohabitated in the Cove.

The community of Halibut Cove has a long history of plane incidents. The most recent one in 2017 resulted in a plane crashing next to her restaurant on the beach. It narrowly missed Marian Beck's business and home. Included is a picture of that incident. The structures you see in the background are hers. The pilot lost control of his plane while taxiing and hit the cliff in the Narrows. This did not occur during the ferry scheduled arrival and departure time but reflects the tricky situation taxiing a plane in a narrow channel, which is why it's named the Halibut Cove Narrows. The Narrows is 435 feet across in

some areas and has huge rocks in the middle. Complicating this is the up to 30 feet excursions between high and low tides that can occur over a 6 hour period. The current is wicked. The airplane wreck prior to the 2017 wreck was during the ferry arrival time. The pilot clipped a tree with their float. The float fell off. The crash was filmed by passengers on the Danny J, Marian's ferry, which was coming in to dock at it's scheduled 5 PM arrival time in the Narrows. Marian was standing down on the float waiting for the fully loaded Danny J with 34 souls on board to dock as it pulled in. The plane missed the Danny J by approximately 100 feet. It was terrifying.

Marian has long had a fear of planes in the Cove. Three of Marian's uncles died in three separate plane crashes. At a young age she witnessed a dog run out in front of plane while it was landing on a beach in the Cove, ending in a bloody prop strike. Approximately 30 years ago, a plane with amphibious floats landed in Halibut Cove with wheels down, causing it to cartwheel. Marian helped lift the plane with the use of an emergent response with her boat and helped get the pilot to safety. About 15 years ago a Halibut Cove neighbors plane crashed in front of the families Leisure Lake cabin killing the pilot and 2 family members and their dog as the plane was departing for the 10 minute flight back to Halibut Cove.

Marian isn't the only community member to worry about the dangers of planes coming in the Narrows and the Cove. In 2016 several members of the community got together and designed bright orange tee shirts. These shirts were made for their families, particularly kids to wear while out in the center of the Cove. By 2017 the community was so concerned about the risks posed by planes, they turned to the FAA to help mediate a meeting with the community over solutions and options for safe co-existence of planes, boats and kids on paddle boards, row boats and wet suits. The meeting was mostly productive and very well attended. There were several residents that wanted no plane traffic at all. A complete ban. The FAA explained this could impact our ability to have medivacs. They shared that other communities had worked out use agreements that resolved conflicts. The Halibut Cove Community formed a committee. A use agreement was formed which specified times for ferry use. The ferry provides the bulk of the Cove with transportation at 10 AM for Halibut Cove to Homer. There were other times specified. The agreement was posted on the Halibut Cove Share Site, a Facebook site we all have access to as well as printed and posted on the cork board in the Post Office. Everyone in the Cove knew and knows 9:45 AM to 10:15 AM there is to be no plane taxiing in the Narrows. It's just too dangerous. The day Marian circled the plane was the 3rd or 4th day in a row a large Sea Plane, transporting for a private lodge taxied through at 10 AM. I was off work that week and home during that period. I called J.T. Thurston the day before the event and reminded him of the agreement. I had been over at the local coffee shop and noted several locals complaining. His family owns the Lodge the planes were coming to. He and his family are friends of mine. I share an area of our property with them to pull their boats in and out of the water. I like J.T. He said he thought he had told the pilots, he hadn't noticed the times, his staff was more involved with time, he agreed to be more vigilant. It was the next day the event occurred.

Marian has been driving boats since she was in fifth grade. She drove my little brother and I to school crossing Kachemak Bay Halibut Cove to Homer and back daily. I can tell you it was sketchy at time. By the time she was in college she had her 100 ton marine pilot's license. She has run boats for thousands and thousands of hours, including in winter conditions with high winds, ice and darkness. She ran the Pilot Boat for Southcentral Pilots, a group of pilots that captain the tankers through inland water. She would transport the pilots day and night to and from the tankers often in very adverse conditions. She has never had an accident in the nearly 60 years she has been driving boats. She is well-known for being

highly skilled at navigating boats. It may look dramatic in the video but for those in the Cove who literally grew up on boats and many of whom fly would agree there was no danger of her losing control of the boat. The small wake encountered by the plane constitutes normal conditions for a seaplane.

Your honor, I ask you to consider all the facts when you consider the sentencing of Marian Beck. She is 70 years old and for many reasons, including her prior lifetime dedication to her community, I believe she deserves your kind consideration.

Respectfully,

Martha Cotten

907 317-3862